

# Exhibit 1



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## CHARGE OF DISCRIMINATION

For Official Use Only - Charge Number:  
533-2021-02051

EEOC Form 5A (October 2017)

<b>Personal Information</b>	First Name: <u>Kimberly</u> MI: <u>B.</u> Last Name: <u>Dschuhan</u> Address: <u>122 Marias Way</u> Apt.: _____ City: <u>South Park</u> County: <u>Allegheny</u> State: <u>PA</u> Zip Code: <u>15129</u> Phone: <u>724.420.2016</u> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell <input checked="" type="checkbox"/> Email: <u>Kimdschuhan@gmail.com</u>
<b>Who do you think discriminated against you?</b>	Employer <input checked="" type="checkbox"/> Union <input type="checkbox"/> Employment Agency <input type="checkbox"/> Other Organization <input type="checkbox"/> Organization Name: <u>Allstate Insurance</u> Address: <u>2775 Sanders Rd, Northbrook, IL 60062</u> Suite: _____ <u>Northeast Region Office: 1200 Atwater Dr, Malvern, PA 19355</u> City: _____ State: _____ Zip Code: _____ Phone: <u>847.402.5000</u>
<b>Why you think you were discriminated against?</b>	Race <input checked="" type="checkbox"/> Color <input checked="" type="checkbox"/> Religion <input type="checkbox"/> Sex <input checked="" type="checkbox"/> National Origin <input checked="" type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Genetic Information <input type="checkbox"/> Retaliation <input checked="" type="checkbox"/> Other <input type="checkbox"/> (specify) _____
<b>What happened to you that you think was discriminatory?</b>	Date of <u>most recent</u> job action you think was discriminatory: <u>August 1, 2021</u> Also describe briefly <u>each</u> job action you think was discriminatory and when it happened (estimate). <u>see Attached.</u>
<b>Signature and Verification</b>	I understand this charge will be filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address, phone, or email. I will cooperate fully with them in the processing of my charge in accordance with their procedures.  I understand by signing below that I am filing a charge of employment discrimination with the EEOC. I understand that the EEOC is required by law to give a copy of the charge, which includes my allegations and my name, to the organization named above. I also understand that the EEOC can only investigate charges of job discrimination based on race, color, religion, sex, national origin, age, disability, genetic information, or based on retaliation for filing a charge of job discrimination, participating in an investigation of a job discrimination complaint, or opposing job discrimination.  I declare under penalty of perjury that the above is true and correct. Signature: <u>[Signature]</u> Date: <u>8.26.2021</u>

Under Title VII of the Civil Rights Act of 1964, and the PHRA - Pennsylvania Human Relations Act, Sec.2 (a), Sec.2(b), Sec 3, and under 42 U.S. Code 1981;

The Roberto Clemente Jr Family Agency and its individuals vs. Allstate Insurance Company

{ The Roberto Clemente Jr Family Agency (here in known as RCJFA), and it's individuals - Kimberly Dschuhan, Member and principal or exclusive agent of RCJFA (white female, mother-in-law to Roberto Clemente Jr, grandmother to Roberto Clemente III, herein known as, KD), Roberto Clemente Jr, part-owner and licensed agent of RCJFA (Afro-latino/hispanic male, herein known as, RCJ), Kailee Clemente, Member and non-licensed agent of RCJFA (white female, wife of Roberto Clemente Jr, and daughter of Kimberly Dschuhan, herein known as, KC), and Ryan Norton licensed agent (white male, brother of Kailee Clemente, brother-in-law of RCJ, and son of Kimberly Dschuhan, herein known as, RN); All individuals, KD, RCJ, KC, and RN are related/ family members of the group and here in called Roberto Clemente Jr Family Agency, (RCJFA). RCJFA is minority owned, named after their Clemente family, and located in Pittsburgh, PA.

vs.

Allstate Insurance Company (herein known as, Allstate), and Allstate's corporate managers/field sales leaders/agency process specialists/trainers/customer service representatives and those Allstate persons in supervisory positions over RCJFA, who are specifically named but also not limited to: Justin Young, white male nonhispanic Field Sales Leader (herein known as JY); Eric Copenhaver, white male nonhispanic Field Sales Leader (herein known as EC), Valerie Staudt, white female nonhispanic Agency Process Specialist (herein known as VS), Bill Baldy, white male Field Sales Leader (herein known as BB), Scott Blume, white male Territorial Sales Leader (herein known as SB), Mark Pianelli, white male Sales Executive at Allstate Financial Services ( herein known as MP), Mark Shookalook, white male Field Sales Leader (herein known as MS), John Tomaino white male exclusive agent/agency owner (herein known as JT) }

In the following complaint, an EEOC charge, allows an employee and under Pennsylvania law, includes independent contractors (RCJFA, KD, RCJ, KC and RN), to file claims of discrimination against their employer (Allstate) because they were discriminated against because of their race, color, sex, national origin; and are allowed to file claims against their employer (Allstate) if the employee or group (RCJFA) are retaliated against because they reported discrimination; and are allowed to file claims of discrimination against their employer (Allstate) if they were discriminated against because they represent/identify as a minority group, because of their race, color, sex and national origin.

\*\*\* The agency and its individuals will attest and show cause that Allstate followed, and continues to follow, a covert practice of discrimination , evidenced by a series of discrete discriminatory acts that are "related closely enough to constitute a continuing violation." *Selan*, 969 F.2d at 565 (quoting *Berry*, 715 F.2d at 981).

The Roberto Clemente Jr Family Agency was the only minority owned and Spanish speaking Allstate agency in all of Pittsburgh/Western PA. The book of business RCJFA purchased and owned since July 1, 2018 was located at 286 Morwood Avenue, Pittsburgh, PA 15213. The RCJFA proudly serviced their policyholders that lived in all of PA as well as nearby communities within the city of Pittsburgh that were



populated by a great number of minority individuals, and had the pleasure of helping as many as possible in the short time Allstate allowed them to exist.

The most recent date known of discrimination by Allstate toward KD, RCJ, KC or RCJFA was on or around August 1, 2021:

- **August 1, 2021 plus prior and subsequent dates, Allstate gave away the minority RCJFA's policies that RCJFA, KD, KC and RCJ both paid for and earned as new business while as an Allstate agency to a white male non-hispanic agent. John Tomaino (JT), Tomaino agency. Allstate did so without any proper execution of any legal notice given to RCJFA, KD, RCJ, KC by Allstate, and did so with discriminatory and retaliatory intent.**  
Prior to this date, Eric Copenhaver and Mark Shookalook unfairly blocked and prohibited RCJFA from selling their book of business (policies they owned) because he and colleague JY were reported for discrimination toward RCJFA because of their race, sex, color, national origin against RCJFA 3 years prior (January 2018), and now discriminated and retaliated again by taking the policies from RCJFA in 2021.  
**As of date, August 26, 2021, RCJFA still has never been served legal, proper documentation of any type regarding a transfer or taking of their assets (book of business) which is afforded and provided to any and all white male nonhispanic agencies/owners as a standard policy or procedure. Thus, Allstate has failed to provide equal treatment, equal opportunity and equality to RCJFA, KD, KC, RCJ. August 2020- August 2021**
- **2019-2020 KD, RCJ and KC had complained of discrimination to Allstate Agency Process Specialist, Valerie Staudt (VS), as well as Allstate management about John Tomaino (JT), a white male nonhispanic agent, accessing RCJFA's quotes, changing the applicants information in order to lower the price RCJFA provided, and then wrote RCJFA's quotes for his (JT) own financial gain. Allstate management and Agency Process Specialist VS did nothing. In fact, agency process specialist VS condoned and praised JT for taking RCJFA's (KD, KC, RCJ's) business when KD questioned why Allstate allowed JT to "steal" their business.**

In whole, over a three + year long period August 2017 through current date August 2021 ,

The discrimination against RCJFA's race (afro-latino family), color (black), sex (female), national origin (spanish speaking /latino) ) started when Allstate discriminated against the group during KD, RCJ and KC's in person interview with Allstate.

(Important to note: Allstate dragged RCJFA's interview over a period of 5+ months vs a normal 90 days process for all others).

During the 5 months of a discriminatory interviewing process with JY and EC, ( where KD, RCJ, KC was continuously given missed deadlines by JY) the group was asked to provide their personal financial information and share confidential business plans about their Afro-Latino presence for their family agency that would be representing Allstate. This level of confidential information that included RCJFA's business strategy of confidential plans on how they could be successful as a minority/ Afro-Latino agency/group to be representing Allstate in Pittsburgh region, had to be shared with their future Manager, a "dual role" Justin Young (JY) white nonhispanic male ,whose dual roles were a Field Sales Leader for the Northeast Region ( going to be RCJFA's manager), and also the Owner of a competitor agency at the same time, called Young Asset Management. Field Sales leader, Eric Copenhaver (EC) white nonhispanic male was a co- interviewer with JY during KD's, RCJ's and KC's interviewing process. (this team effort



became a means of retaliation against RCJFA and its individual's KD, RCJ, KC, and RN for reporting them to the President of Allstate, which will be supported later).

**Act of discrimination: Five months into the intentionally delayed interview process, JY, Allstate Field Sales Leader told (KD, RCJ, and KC) that they weren't allowed to use an Afro-latino/Hispanic name as their Allstate agency name.**

Fact, dual role Allstate manager and Allstate agency owner, JY, via email dated January 10, 2018, said it was conveyed to him that we could not use a Hispanic family name to represent Allstate.

Allstate (JY) discriminated again, when JY white non-hispanic male Field Sales Leader gave them an ultimatum via email: now that you can't use your hispanic name, do you still want to proceed with purchasing the Cone agency (and becoming an Allstate exclusive agent/agency)?

This discriminatory action, as well as the previous 5 months of discrimination toward them, made RCJ and KD call and report the discrimination to the President of Allstate, Thomas Clarkson on **January 10, 2018.**

The discrimination was clearly by practice or policy of discrimination against the individuals KD, RCJ, KC and their group by reason of their race, color, sex, national origin, minority identity.

Allstate's only response to the reported discrimination and JY's actions, was a verbal apology over the phone to KD, RCJ and KC. Months later, while in Chicago for Allstate, KD find out by accident speaking with a trainee for Field Sales Leader, that only one of the two original discriminating white male nonhispanics (JY and not EC) was removed from his corporate position BUT Allstate allowed the white non-hispanic male JY to remain with Allstate as his other dual role, which was as a competitor Allstate agency owner to the RCJFA, KD, RCJ, KC and RN.

Allstate condoned the discriminatory acts where Eric Copenhaver (EC) the other Allstate Field Sales leader remained unreprimanded in his position as Field Sales Leader (which points to another discriminatory act and retaliation against RCJFA, KD, RCJ, KC and RN) when Allstate re-assigned EC, the discriminating white male nonhispanic to RCJFA, KD, RCJ, KC, RN in December 2019, as their Manager. Allstate gave EC, (who was the discriminating white male field sales leader with JY), the opportunity to retaliate against the minority group, particularly KD and RCJ, for having his friend and colleague JY demoted because they reported them for discrimination. Allstate allowed EC to retaliate by personally terminating KD's, RN's and their minority represented group RCJFA contracts on August 21, 2020 ( exactly 3 years to the day that EC and JY started their discrimination toward KD, RCJ, KC, and the RCJFA.) EC, Field Sales Leader and Mark Pianelli, a field financial sales leader, performed the termination of their contracts via Zoom at 9:30am August 21, 2020.

The retaliation by Allstate has not ceased, **on or about August 2021**, Allstate used a non-discriminatory reason for termination (August 2020) with an underlying retaliatory intent, that forced KD, RN and RCJFA into an PA insurance department investigation (August 2021) and only for the purpose of harassment and retaliation and threat to revoke RCJFA's licenses indefinitely.

The reason for termination was unjust. Previous to their termination, KD had reported to Allstate that the Agency Process Specialist (VS) had shown and trained the agency's agents to use certain processes to provide a discount. KD had said someone in "education" had told them what to do.

Previously, Agency Process Specialist, VS, condoned and permitted white male nonhispanic agents to do the same. VS said to KD, and RN that another agent, white male nonhispanic JT, was using the same processes as RCJFA, and she continued to train the RCJFA to do the same.

However, Allstate discriminated against RCJFA, KD, RCJ, and RN when Allstate did not target JT as they did to RCJFA. Nor did Allstate reprimand nor terminate JT, white male nonhispanic agent, even



though Allstate knew of JT's actions against RCJFA and knew JT was performing the same discount processes as RCJFA. The proven preferential treatment of white male nonhispanic Allstate agencies over the minority group, RCJFA is evident.

We believe. Allstate planned their inadequate training as a nondiscriminatory reason and backbone for terminating RCJFA, KD, RCJ, RN, even though RCJFA was doing what Allstate told them to do. This retaliatory action unveiled Allstate's covert practice of discrimination when Allstate rewarded the white male, non-hispanic Agencies/agents for doing the same thing RCJFA had done with discounts applied to policies, and by giving JT their policies after Allstate terminated and got rid of their only minority Spanish speaking agency with a Hispanic name that they did not want to represent Allstate from the very beginning.

Aug, 26, 2021

Allstate continues even today, to give preferential treatment to white male nonhispanic agents/agencies by targeting, retaliating against Allstate's only Spanish speaking, afro-latino/hispanic agency named the RCJFA in the whole Pittsburgh region of Western PA. Allstate's action to report RCJFA to the insurance department for doing something Allstate told them to do, and not report white male owned agencies like JT, makes sure minority agents KD, RN, RCJ and RCJFA never can sell insurance again, take away their financial resources that minorities KD, RCJ, KC had invested into their agency (approx \$500,000 + plus all the years they would had opportunity to grow the book of business for 15+ years) and revoke their insurance licenses indefinitely. This could have been prevented by Allstate if only RCJFA had been given adequate training, not discriminated against, and not retaliated against by Allstate.

Allstate is negligent and forever forcing discrimination upon the individuals of the RCJFA, KD, RCJ, KC and RN for ignoring our reports of discrimination, looking the other way, and condoning discriminatory acts toward KD, RCJ, KC and RN because they were a minority group by means of race, color, sex, and national origin and because RCJFA, KD, RCJ, KC reported discrimination against Allstate to the President of Allstate, Thomas Clarkson.

1017-2021 Allstate acted in unlawful employment practices when they as the employer did not monitor the workplace, failed to respond to complaints, failed to provide a system for registering complaints or providing knowledge "how to" file complaints, or effectively discouraged complaints from being filed regarding discrimination.

Allstate failed to prevent harassment/discrimination/retaliation from taking place against KD, RCJ, KC, RN, the RCJFA as a targeted minority group. Over a two year period, Allstate intentionally, particularly the Northeast Region Management that overseen the RCJFA, KD, KC, RN, RCJ, discriminated by making sure KD and the RCJFA members were unsuccessful and withheld opportunities and privileges that were afforded all the other Allstate agents that were majority white male non-hispanic.

Over a 2 year period, and ironically 3 years to the day, August 21, 2017 interview date and August 21, 2020, termination date, questionable if a coincidence, the visible pattern of discriminatory treatment/retaliation became a degree of permanence.

The following facts are a few of the many discriminatory actions and steps taken by Allstate to disadvantage the RCJFA from other agencies that were not a minority group. Each discriminatory action Allstate did to KD, RCJ, KC, RN, can be contrasted with specific advantages and preferential treatment and better opportunities given to all the other white male nonhispanic Allstate agents/agencies.



- Allstate would not provide RCJFA a new Allstate sign that was promised in writing to all new Allstate agencies. Allstate did not want the hispanic family name advertised. Allstate sent person to cover the old agents name with blue tape. When KD and RCJ complained, Allstate said the sign with the old agents name was adequate for the RCJFA, even though it was the wrong name, unprofessional and not to standards or equal as all other white male nonhispanic agencies were afforded.
- 2 + years after RCJFA opened as an Allstate agency, July 1, 2018 through January 2021 the prior agents name, Daniel Cone (white male nonhispanic) was still visible on the Allstate sign above RCJFA's window. RCJFA could not remove it as it was owned by Allstate, and an exterior sign was required by Allstate as company policy and branding requirements.
- 7-1-2018 - 8-21-2020.
- 730+ days of RCJFA's existence as an agency for Allstate, Allstate advertised the RCJFA location as the Daniel Cone Agency above RCJFA's window, for the reasons, Allstate refused to afford the same equal treatment and opportunity given to all other white male nonhispanic agencies. Allstate did not want the Afro-latino named agency on their Allstate branded sign. Allstate interfered with RCJFA's ability to fairly promote their minority agency. In contrast, Allstate provided adequate representation or proper sign to ALL other Allstate white male nonhispanic agencies in the Pittsburgh Region/Western PA.
- For as long as RCJFA was an agency for Allstate, (2+ years), 7-1-2018 - 8-21-2020 Allstate provided the wrong phone number and provided all potential clients as well as current clients the wrong phone number for the RCJFA inside RCJFA's digital quote proposals. Every instance, when a quote for insurance was emailed by KD, RCJ, RN, the phone number for contacting the RCJFA was wrong. Allstate held the admin rights to the digital proposal and refused to correct it for RCJFA, KD, RCJ, RN for 2 years and was still the wrong phone number when Allstate terminated minority RCJFA's and the minority group's agents' appointments/contracts.
- RCJFA reported racist /incidents to Northeast Region supervisors while the agency/individuals represented Allstate at public venues. Allstate did nothing. (2019 -2021)
- KD, RCJ, KC reported and told their Allstate management about discriminatory actions on several occasions while Agency Process Specialist, Valerie Staudt (VS) and Eric Copenhaver (EC) did nothing.
- One particular discrimination incident reported to VS,/Allstate/management was when a client could not reach the RCJFA, KD, RCJ, KC, RN agency because Allstate provided the wrong phone number, he had to call 1-800-Allstate to get the correct phone number and asked to be connected to his agent/agency Roberto Clemente Jr Family Agency the customer service representative from Allstate laughed out loud and said there's no such agent/agency, but we were a dead black guy who played baseball. To Allstate, we were not accepted as a minority agency, nor acknowledged, nor did we exist in their predominantly white male, nonhispanic group of Allstate agents/agencies. Especially when the Allstate employer did not want an Afro-latino/hispanic name representing Allstate, and the Allstate customer service did not have record of the RCJFA, KD, RCJ, RN, KC when the consumers were looking to do business with them.



- Allstate was not only denying access to RCJFA, KD, RCJ, KC, RN, by publishing a wrong phone number, but also laughed at anyone who wished to speak with the RCJFA and told potential clients/existing clients that we did not exist, and told any person we were a "dead black guy".
- Allstate blocked the sale or purchase of RCJFA's book of business by any potential buyers, including RCJ, afro-latino existing licensed agent, by refusing all potential buyers that KD, RCJ, and KC presented to EC /Allstate,. EC, MS, ignored emails, provided inadequate email addresses for their managers, ignored texts, phone calls - prohibited communication, that ordinarily is necessary and is provided and afforded to all other white male nonhispanic agents/agencies when selling their book of business. August 21, 2020 -December 2020. - Aug. 26, 2021.
- August 1, 2021 plus prior and subsequent dates, Allstate gave away to white male non-hispanic agent. John Tomaino, Tomaino agency, RCJFA's policies that RCJFA paid for and earned while an Allstate agency. without any proper, legal notice given to RCJFA, KD, RCJ, KC by Allstate. Essentially, Allstate made sure RCJFA did not sell their book, and discriminated by taking the policies. December 2020- August 2021
- 2019-2020 KD had complained of discrimination to Allstate Agency process specialist as well as management, and others at Allstate, about John Tomaino (JT) accessing RCJFA's quotes, changing the applicants information in order to lower the price RCJFA provided, and write RCJFA's quotes for his own financial gain. Allstate management and agency process specialist did nothing. In fact Agency Process Specialist VS praised and condoned JT for taking RCJFA's business.
- Fact, VS, Agency Process Specialist condoned JT's actions and advised KD and RN and RCJ that if RCJFA would do the same, they could lower the quote premium to gain new business quotas and or help retain existing business.

~~scribble~~ Allstate provided RCJFA inadequate training through their Agency Process Specialist personnel, VS. Allstate told the minority group to use certain processes in order to provide customers a discount. Fact, VS, Agency Process Specialist sat in person and trained and used the processes with the agency. VS also had admin rights to RCJFA's book so she could go in any time and monitor and manage and advise all actions of the RCJFA. The Agency, RCJFA and its agents KD, RN and RCJFA's RCJ, KC were terminated for doing what they were told to do by Allstate.

Background on individual Valerie Staudt (VS): Agency Process Specialist, Valerie Staudt (VS), set RCJFA, KD, RCJ, and RN up for failure, as retaliation. (Valerie was a former employee and current personal friend of JY's Allstate agency and JY's family prior to getting promoted to management position as Agency Process Specialist). JY had been removed from his managerial position in 2018 after RCJ and KD had reported him and EC for discrimination to the President of Allstate, Thomas Clarkson.

2018-current date August 2021

As retaliation against KD and RN (RCJ, KC), Allstate made sure they were disciplined by terminating and harassing them with an insurance department investigation.



Allstate gives preferential treatment to white male, nonhispanic agents/agency owners such as JT, and is shown when Allstate does not target them, nor reprimand, nor terminate them or put them through investigations by Allstate and/or the PA insurance department for conducting the same business like RCJFA was told to do by Allstate. In contrast to KD, RN, RCJ and their minority group RCJFA being terminated by Allstate for things they were instructed to do, the white male nonhispanic Allstate agents/agencies, particularly JT, are given preferential treatment, better opportunities, special "passes" or privileges, and are rewarded by Allstate for his/their new business quotas and increased sales for doing the same things as RCJFA, KD, RCJ, KC, and RN had been terminated for.


As a continuation of the retaliatory behavior of Allstate, Allstate made sure RCJFA, KD, RCJ, and KC could not recover their financial interest by disallowing and preventing them to sell their book, As a result of not selling or transferring the book, Allstate gave to John Tomaino, all or some of RCJFA's policies after they terminated the minority agency and individuals from Allstate. Policyholders have provided evidence of their RCJFA policies being given to Tomaino Agency. (August 1, 2021 and February 11, 2021)

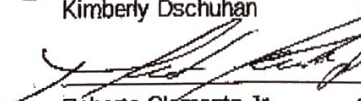
~~xxxxx~~ Allstate interfered with KD's and RCJFA's ability to fulfill their contract and continued to fail to give equal opportunity, and equal privileges, and provided grossly inadequate training so they would not succeed based on their race, color, national origin, and sex afforded to minorities and minority identified groups under the EEOC laws, the PHRA, and federal law, Section 1981.

Accordingly, since at least one of the discriminatory acts in which we are basing our Title VII claims, and PHRA claims occurred within the relevant limitations period, other acts were part of the ongoing pattern of discrimination by Allstate, we can base our Title VII claims on the acts of discrimination occurring both prior and subsequent to August 1, 2021. *Young v. Will County Dept. of Public Aid*, 882 F.2d 290, 292 (7th Cir. 1989).

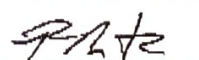
Additionally, there is a three factor-inquiry where a plaintiff may establish a continuing violation. KD, RCJ, KC, and RN with Roberto Clemente Jr Family Agency can establish a continuing violation under the first and third factor inquiry. The first applies to discrimination that occurred during the hiring or interview process/practices, "the employer's decision making process takes place over a period of time, making it difficult to pinpoint the exact day the violation occurred." *Selan*, 969 F.2d at 565 (citing *Stewart v. CPC Int'l, Inc.*, 679 F.2d 117, 120-121 (7th Cir. 1982)). The third, The employer has, for a period of time, followed a practice of discrimination, but has done so covertly, rather than by way of an open notorious policy... In such cases the challenged practice is evidenced only by a series of discrete, discriminatory acts. *Id*

Individuals that represent and are Afro-Latino, Spanish speaking, females, the minority group known as the Roberto Clemente Jr. Family Agency, were discriminated against and retaliated against by Allstate for being the only Afro-Latino, hispanic, Spanish Speaking, minority female owned agency of Allstate. Individually and as our minority group, bring the aforementioned EEOC Charge against Allstate for violating EEOC laws, the Pennsylvania Human Relations Act and Section 1981, Civil Rights Law.

 8-29-2021  
Kimberly Dschuhan date

 8-29-21  
Roberto Clemente Jr. date

 8-29-21  
Kailee Clemente date

 08-29-2021  
Ryan Norton date

Employment History of Charging Party:

Roberto Clemente Jr Family Agency and its individuals:

Kimberly B. Dschuhan

Roberto Clemente Jr

Kailee Clemente

Ryan Norton

August 2017-July 2018	Interview / Appointment process
July 1, 2018 - August 2020	Roberto Clemente Jr Family Agency and its individuals, Kimberly Dschuhan, Roberto Clemente Jr, Kailee Clemente, and Ryan Norton operated and conducted business as an Allstate Insurance Agency located at 286 Morewood Ave, Pittsburgh, PA 15213
August 21, 2020	Allstate terminated the Roberto Clemente Jr Family Agency and It's individuals named above
August 2020-present	Unknown status of Roberto Clemente Jr Family Agency LLC 's Book of Business, insurance policies.



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Kimberly B. Dschuhan**  
**122 Marias Way**  
**South Park, PA 15129**

From: **Pittsburgh Area Office**  
**1000 Liberty Avenue**  
**Room 1112**  
**Pittsburgh, PA 15222**



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**533-2021-02051**

**Legal Unit,**  
**Legal Technician**

**(267) 589-9700**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

10/12/2021



Enclosures(s)

**Deborah A. Kane,**  
**Director**

(Date Issued)

cc: **ALLSTATE**  
**2775 Sanders Road**  
**Northbrook, IL 60062**



Enclosure with EEOC  
Form 161 (11/2020)

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 – not 12/1/10** – in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***



Under Title VII of the Civil Rights Act of 1964, and the PHRA - Pennsylvania Human Relations Act, Sec.2 (a), Sec.2(b), Sec 3, and under 42 U.S. Code 1981;

The Roberto Clemente Jr Family Agency and its individuals vs. Allstate Insurance Company

{ The Roberto Clemente Jr Family Agency (here in known as RCJFA), and it's individuals - Kimberly Dschuhan, Member and principal or exclusive agent of RCJFA (white female, mother-in-law to Roberto Clemente Jr, grandmother to Roberto Clemente III, herein known as, KD), Roberto Clemente Jr, part-owner and licensed agent of RCJFA (Afro-latino/hispanic male, herein known as, RCJ), Kailee Clemente, Member and non-licensed agent of RCJFA (white female, wife of Roberto Clemente Jr, and daughter of Kimberly Dschuhan, herein known as, KC), and Ryan Norton licensed agent (white male, brother of Kailee Clemente, brother-in-law of RCJ, and son of Kimberly Dschuhan, herein known as, RN); All individuals, KD, RCJ, KC, and RN are related/ family members of the group and here in called Roberto Clemente Jr Family Agency, (RCJFA). RCJFA is minority owned, named after their Clemente family, and located in Pittsburgh, PA.

VS.

Allstate Insurance Company (herein known as, Allstate), and Allstate's corporate managers/field sales leaders/agency process specialists/trainers/customer service representatives and those Allstate persons in supervisory positions over RCJFA, who are specifically named but also not limited to: Justin Young, white male nonhispanic Field Sales Leader (herein known as JY); Eric Copenhaver, white male nonhispanic Field Sales Leader (herein known as EC), Valerie Staudt, white female nonhispanic Agency Process Specialist (herein known as VS), Bill Baldy, white male Field Sales Leader (herein known as BB), Scott Blume, white male Territorial Sales Leader (herein known as SB), Mark Pianelli, white male Sales Executive at Allstate Financial Services ( herein known as MP), Mark Shookalook, white male Field Sales Leader (herein known as MS), John Tomaino white male exclusive agent/agency owner (herein known as JT) }

In the following complaint, an EEOC charge, allows an employee and under Pennsylvania law, includes independent contractors (RCJFA, KD, RCJ, KC and RN), to file claims of discrimination against their employer (Allstate) because they were discriminated against because of their race, color, sex, national origin; and are allowed to file claims against their employer (Allstate) if the employee or group (RCJFA) are retaliated against because they reported discrimination; and are allowed to file claims of discrimination against their employer (Allstate) if they were discriminated against because they represent/identify as a minority group, because of their race, color, sex and national origin.

\*\*\* The agency and its individuals will attest and show cause that Allstate followed, and continues to follow, a covert practice of discrimination , evidenced by a series of discrete disriminatory acts that are "related closely enough to constitute a continuing violation." *Selan*, 969 F.2d at 565 (quoting *Berry*, 715 F2.d at 981).

The Roberto Clemente Jr Family Agency was the only minority owned and Spanish speaking Allstate agency in all of Pittsburgh/Western PA. The book of business RCJFA purchased and owned since July 1, 2018 was located at 286 Morewood Avenue, Pittsburgh, PA 15213. The RCJFA proudly serviced their policyholders that lived in all of PA as well as nearby communities within the city of Pittsburgh that were



populated by a great number of minority individuals, and had the pleasure of helping as many as possible in the short time Allstate allowed them to exist.

The most recent date known of discrimination by Allstate toward KD, RCJ, KC or RCJFA was on or around August 1, 2021:

- **August 1, 2021 plus prior and subsequent dates, Allstate gave away the minority RCJFA's policies that RCJFA, KD, KC and RCJ both paid for and earned as new business while as an Allstate agency to a white male non-hispanic agent. John Tomaino (JT), Tomaino agency. Allstate did so without any proper execution of any legal notice given to RCJFA, KD, RCJ, KC by Allstate, and did so with discriminatory and retaliatory intent.**

Prior to this date, Eric Copenhaver and Mark Shookalook unfairly blocked and prohibited RCJFA from selling their book of business (policies they owned) because he and colleague JY were reported for discrimination toward RCJFA because of their race, sex, color, national origin against RCJFA 3 years prior (January 2018), and now discriminated and retaliated again by taking the policies from RCJFA in 2021.

**As of date, August 26, 2021, RCJFA still has never been served legal, proper documentation of any type regarding a transfer or taking of their assets (book of business) which is afforded and provided to any and all white male nonhispanic agencies/owners as a standard policy or procedure. Thus, Allstate has failed to provide equal treatment, equal opportunity and equality to RCJFA, KD, KC, RCJ. August 2020- August 2021**

- **2019-2020 KD, RCJ and KC had complained of discrimination to Allstate Agency Process Specialist, Valerie Staudt (VS), as well as Allstate management about John Tomaino (JT), a white male nonhispanic agent, accessing RCJFA's quotes, changing the applicants information in order to lower the price RCJFA provided, and then wrote RCJFA's quotes for his (JT) own financial gain. Allstate management and Agency Process Specialist VS did nothing. In fact, agency process specialist VS condoned and praised JT for taking RCJFA's (KD, KC, RCJ's) business when KD questioned why Allstate allowed JT to "steal" their business.**

In whole, over a three + year long period August 2017 through current date August 2021

The discrimination against RCJFA's race (afro-latino family), color (black), sex (female), national origin (spanish speaking /latino) ) started when Allstate discriminated against the group during KD, RCJ and KC's in person interview and appointment process with Allstate

(Important to note: Allstate dragged RCJFA's interview over a period of 5+ months vs a normal 90 days process for all others).

During the 5 months of a discriminatory interviewing process with JY and EC, ( where KD, RCJ, KC was continuously with intent given missed deadlines by JY) the group was asked to provide their personal financial information and share confidential business plans about their Afro-Latino presence for their family agency that would be representing and working under exclusive contracts with Allstate. This level of confidential information that included RCJFA's business strategy of confidential plans on how they could be successful as a minority/ Afro-Latino agency/group to be representing Allstate in Pittsburgh region, had to be shared with their future Manager, to a conflicting "dual role" Justin Young (JY) white nonhispanic male ,whose dual roles were a Field Sales Leader for the Northeast Region ( going to be RCJFA's manager), and also the Owner of a competitor agency at the same time, called Young Asset Management. Field Sales leader, Eric Copenhaver (EC) white nonhispanic male was a co- interviewer



with JY during KD's, RCJ's and KC's interviewing process. (this team effort became a means of retaliation against RCJFA and its individual's KD, RCJ, KC, and RN for reporting them to the President of Allstate, which will be supported later).

**Act of discrimination: Five months into the intentionally delayed interview process, JY, Allstate Field Sales Leader told (KD, RCJ, and KC) that they weren't allowed to use an Afro-latino/Hispanic name as their Allstate agency name.**

Fact, dual role Allstate manager and Allstate agency owner, JY, via email dated January 10, 2018, said it was conveyed to him that we could not use a Hispanic family name to represent Allstate.

Allstate (JY) discriminated again, when JY white non-hispanic male Field Sales Leader gave them an ultimatum via email: now that you can't use your hispanic name, do you still want to proceed with purchasing the Cone agency (and becoming an Allstate exclusive agent/agency)?

This discriminatory action, as well as the previous 5 months of discrimination toward them, made RCJ and KD call and **report the discrimination to the President of Allstate, Thomas Clarkson on January 10, 2018.**

The discrimination was clearly by practice or policy of discrimination against the individuals KD, RCJ, KC and their group by reason of their race, color, sex, national origin, minority identity.

Allstate's only response to the reported discrimination and JY's actions, was a verbal apology over the phone to KD, RCJ and KC. Months later, while in Chicago for Allstate, KD find out by accident speaking with a trainee for Field Sales Leader, that only one of the two original discriminating white male nonhispanics (JY and not EC) was removed from his corporate position BUT **Allstate allowed the white non-hispanic male JY to remain with Allstate** as his other dual role, which was as a competitor Allstate agency owner to the RCJFA, KD, RCJ, KC and RN.

Allstate condoned the discriminatory acts where Eric Copenhaver (EC) the other Allstate Field Sales leader remained unreprimated in his position as Field Sales Leader (which points to another discriminatory act and retaliation against RCJFA, KD, RCJ, KC and RN when Allstate re-assigned EC, the discriminating white male nonhispanic to RCJFA, KD, RCJ, KC, RN in December 2019, as their Manager. Allstate gave EC, (who was the discriminating white male field sales leader with JY), the opportunity to retaliate against the minority group, particularly KD and RCJ, for having his friend and colleague JY demoted because they reported them for discrimination. Allstate allowed EC to retaliate **by personally terminating KD's, RN's and their minority represented group RCJFA contracts on August 21, 2020 ( exactly 3 years to the day that EC and JY started their discrimination toward KD, RCJ, KC, and the RCJFA.)** EC, Field Sales Leader and Mark Pianelli, a field financial sales leader, performed the termination of their contracts via Zoom at 9:30am August 21, 2020.

The **retaliation** by Allstate has not ceased, **on or about August 2021**, Allstate used a non-discriminatory reason for termination (August 2020) with an underlying retaliatory intent, that forced KD, RN and RCJFA into an PA insurance department investigation (August 2021) and only for the purpose of harassment and retaliation and threat to revoke RCJFA's licenses indefinitely.

The reason for termination was unjust. Previous to their termination, KD had reported to Allstate that the Agency Process Specialist (VS) had shown and trained the agency's agents to use certain processes to provide a discount. KD had said someone in "education" had told them what to do.

Previously, Agency Process Specialist, VS, condoned and permitted white male nonhispanic agents to do the same. VS said to KD, and RN that another agent, white male nonhispanic JT, was using the same processes as RCJFA, and she continued to train the RCJFA to do the same.



However, Allstate discriminated against RCJFA, KD, RCJ, and RN when Allstate did not target JT as they did to RCJFA. Nor did Allstate reprimand nor terminate JT, white male nonhispanic agent, even though Allstate knew of JT's actions against RCJFA and knew JT was performing the same discount processes as RCJFA. The proven preferential treatment of white male nonhispanic Allstate agencies over the minority group, RCJFA is evident.

We believe, Allstate planned their inadequate training as a nondiscriminatory reason and backbone for terminating RCJFA, KD, RCJ, RN, even though RCJFA was doing what Allstate told them to do. This retaliatory action unveiled Allstate's covert practice of discrimination when Allstate rewarded the white male, non-hispanic Agencies/agents for doing the same thing RCJFA had done with discounts applied to policies, and by giving JT their policies after Allstate terminated and got rid of their only minority Spanish speaking agency with a Hispanic name that they did not want to represent Allstate from the very beginning.

Allstate continues even today, to give preferential treatment to white male nonhispanic agents/agencies by targeting, retaliating against Allstate's only Spanish speaking, afro-latino/hispanic agency named the RCJFA in the whole Pittsburgh region of Western PA. Allstate's action to report RCJFA to the insurance department for doing something Allstate told them to do, and not report white male owned agencies like JT, makes sure minority agents KD, RN, RCJ and RCJFA never can sell insurance again, take away their financial resources that minorities KD, RCJ, KC had invested into their agency (approx \$500,000 + plus all the years they would had opportunity to grow the book of business for 15+ years) and revoke their insurance licenses indefinitely. This could have been prevented by Allstate if only RCJFA had been given adequate training, not discriminated against, and not retaliated against by Allstate.

Allstate is negligent and forever forcing discrimination upon the individuals of the RCJFA, KD, RCJ, KC and RN for ignoring our reports of discrimination, looking the other way, and condoning discriminatory acts toward KD, RCJ, KC and RN because they were a minority group by means of race, color, sex, and national origin and because RCJFA, KD, RCJ, KC reported discrimination against Allstate to the President of Allstate, Thomas Clarkson.

Allstate acted in unlawful employment practices when they as the employer did not monitor the workplace, failed to respond to complaints, failed to provide a system for registering complaints or providing knowledge "how to" file complaints, or effectively discouraged complaints from being filed regarding discrimination.

Allstate failed to prevent harassment/discrimination/retaliation from taking place against KD, RCJ, KC, RN, the RCJFA as a targeted minority group. Over a two year period, Allstate intentionally, particularly the Northeast Region Management that overseen the RCJFA, KD, KC, RN, RCJ, discriminated-by making sure KD and the RCJFA members were unsuccessful and withheld opportunities and privileges that were afforded all the other Allstate agents that were majority white male non-hispanic.

Over a 2 year period, and ironically 3 years to the day, August 21, 2017 interview date and August 21, 2020, termination date, questionable if a coincidence, the visible pattern of discriminatory treatment/retaliation became a degree of permanence.

The following facts are a few of the many discriminatory actions and steps taken by Allstate to disadvantage the RCJFA from other agencies that were not a minority group.



Each discriminatory action Allstate did to KD, RCJ, KC, RN, can be contrasted with specific advantages and preferential treatment and better opportunities given to all the other white male nonhispanic Allstate agents/agencies.

- **Allstate would not provide RCJFA a new Allstate sign that was promised in writing to all new Allstate agencies. Allstate did not want the hispanic family name advertised. Allstate sent person to cover the old agents name with blue tape. When KD and RCJ complained, Allstate said the sign with the old agents name was adequate for the RCJFA, even though it was the wrong name, unprofessional and not to standards or equal as all other white male nonhispanic agencies were afforded.**
- **2 + years after RCJFA opened as an Allstate agency, July 1, 2018 through January 2021 the prior agents name, Daniel Cone (white male nonhispanic) was still visible on the Allstate sign above RCJFA's window. RCJFA could not remove it as it was owned by Allstate, and an exterior sign was required by Allstate as company policy and branding requirements.**
- **730+ days of RCJFA's existence as an agency for Allstate, Allstate advertised the RCJFA location as the Daniel Cone Agency above RCJFA's window, for the reasons, Allstate refused to afford the same equal treatment and opportunity given to all other white male nonhispanic agencies. Allstate did not want the Afro-latino named agency on their Allstate branded sign. Allstate interfered with RCJFA's ability to fairly promote their minority agency. In contrast, Allstate provided adequate representation or proper sign to ALL other Allstate white male nonhispanic agencies in the Pittsburgh Region/Western PA.**
- **For as long as RCJFA was an agency for Allstate, (2+ years), Allstate provided the wrong phone number and provided all potential clients as well as current clients the wrong phone number for the RCJFA inside RCJFA's digital quote proposals. Every instance, when a quote for insurance was emailed by KD, RCJ, RN, the phone number for contacting the RCJFA was wrong. Allstate held the admin rights to the digital proposal and refused to correct it for RCJFA, KD, RCJ, RN for 2 years and was still the wrong phone number when Allstate terminated minority RCJFA's and the minority group's agents' appointments/contracts.**
- **RCJFA reported racist /incidents to Northeast Region supervisors while the agency/individuals represented Allstate at public venues. Allstate did nothing. (2019 -2021)**
- **KD, RCJ, KC reported and told their Allstate management about discriminatory actions on several occasions while Agency Process Specialist, Valerie Staudt (VS) and Eric Copenhaver (EC) did nothing.**
- **One particular discrimination incident reported to VS,/Allstate/management was when a client could not reach the RCJFA, KD, RCJ, KC, RN agency because Allstate provided the wrong phone number, he had to call 1-800-Allstate to get the correct phone number and asked to be connected to his agent/agency Roberto Clemente Jr Family Agency the customer service representative from Allstate laughed out loud and said there's no such agent/agency, but we were a dead black guy who played baseball. To Allstate, we were not accepted as a minority agency, nor acknowledged, nor did we exist in their predominantly white male, nonhispanic group of Allstate agents/agencies. Especially when the Allstate**



employer did not want an Afro-latino/hispanic name representing Allstate, and the Allstate customer service did not have record of the RCJFA, KD, RCJ, RN, KC when the consumers were looking to do business with them.

- Allstate was not only denying access to RCJFA, KD, RCJ, KC, RN, by publishing a wrong phone number, but also laughed at anyone who wished to speak with the RCJFA and told potential clients/existing clients that we did not exist, and told any person we were a "dead black guy".
- Allstate blocked the sale or purchase of RCJFA's book of business by any potential buyers, including RCJ, afro-latino existing licensed agent, by refusing all potential buyers that KD, RCJ, and KC presented to EC /Allstate,. EC, MS, ignored emails, provided inadequate email addresses for their managers, ignored texts, phone calls - prohibited communication, that ordinarily is necessary and is provided and afforded to all other white male nonhispanic agents/agencies when selling their book of business. August 21, 2020 -December 2020.
- August 1, 2021 plus prior and subsequent dates, Allstate gave away to white male non-hispanic agent. John Tomaino, Tomaino agency, RCJFA's policies that RCJFA paid for and earned while an Allstate agency. without any proper, legal notice given to RCJFA, KD, RCJ, KC by Allstate. Essentially, Allstate made sure RCJFA did not sell their book, and discriminated by taking the policies. December 2020- August 2021
- 2019-2020 KD had complained of discrimination to Allstate Agency process specialist as well as management, and others at Allstate, about John Tomaino (JT) accessing RCJFA's quotes, changing the applicants information in order to lower the price RCJFA provided, and write RCJFA's quotes for his own financial gain. Allstate management and agency process specialist did nothing. In fact Agency Process Specialist VS praised and condoned JT for taking RCJFA's business.
- Fact, VS, Agency Process Specialist condoned JT's actions and advised KD and RN and RCJ that if RCJFA would do the same, they could lower the quote premium to gain new business quotas and or help retain existing business.

\*\*\*\* Allstate provided RCJFA inadequate training through their Agency Process Specialist personnel, VS. Allstate told the minority group to use certain processes in order to provide customers a discount. Fact, VS, Agency Process Specialist sat in person and trained and used the processes with the agency. VS also had admin rights to RCJFA's book so she could go in any time and monitor and manage and advise all actions of the RCJFA. The Agency, RCJFA and its agents KD, RN and RCJFA's RCJ, KC were terminated for doing what they were told to do by Allstate.

Background on individual Valerie Staudt (VS): Agency Process Specialist, Valerie Staudt (VS), set RCJFA, KD, RCJ, and RN up for failure, as retaliation. (Valerie was a former employee and current personal friend of JY's Allstate agency and JY's family prior to getting promoted to management position as Agency Process Specialist). JY had been removed from his managerial position in 2018 after RCJ and KD had reported him and EC for discrimination to the President of Allstate, Thomas Clarkson.



2018-current date August 2021

As retaliation against KD and RN (RCJ , KC) , Allstate made sure they were disciplined by terminating and harassing them with an insurance department investigation.

Allstate gives preferential treatment to white male, nonhispanic agents/agency owners such as JT, and is shown when Allstate does not target them, nor reprimand, nor terminate them or put them through investigations by Allstate and/or the PA insurance department for conducting the same business like RCJFA was told to do by Allstate. In contrast to KD, RN, RCJ and their minority group RCJFA being terminated by Allstate for things they were instructed to do, the white male nonhispanic Allstate agents/agencies, particularly JT, are given preferential treatment, better opportunities, special "passes" or privileges, and are rewarded by Allstate for his/their new business quotas and increased sales for doing the same things as RCJFA, KD, RCJ, KC, and RN had been terminated for.

As a continuation of the retaliatory behavior of Allstate, Allstate made sure RCJFA, KD, RCJ, and KC could not recover their financial interest by disallowing and preventing them to sell their book. As a result of not selling or transferring the book, Allstate gave to John Tomaino, all or some of RCJFA's policies after they terminated the minority agency and individuals from Allstate. Policyholders have provided evidence of their RCJFA policies being given to Tomaino Agency. (August 1, 2021 and February 11, 2021)

\*\*\*\*\* Allstate interfered with KD's and RCJFA's ability to fulfill their contract and continued to fail to give equal opportunity, and equal privileges, and provided grossly inadequate training so they would not succeed based on their race, color, national origin, and sex afforded to minorities and minority identified groups under the EEOC laws, the PHRA, and federal law, Section 1981.

Accordingly, since at least one of the discriminatory acts in which we are basing our Title VII claims, and PHRA claims occurred within the relevant limitations period, other acts were part of the ongoing pattern of discrimination by Allstate, we can base our Title VII claims on the acts of discrimination occurring both prior and subsequent to August 1, 2021. *Young v. Will County Dept. of Public Aid*, 882 F.2d 290, 292 (7th Cir. 1989).

Additionally, there is a three factor-inquiry where a plaintiff may establish a continuing violation. KD, RCJ, KC, and RN with Roberto Clemente Jr Family Agency can establish a continuing violation under the first and third factor inquiry.. The first applies to discrimination that occurred during the hiring or interview process/practices, "the employer's decision making process takes place over a period of time, making it difficult to pinpoint the exact day the violation occurred." *Selan*, 969 F.2d at 565 (citing *Stewart v. CPC Int'l, Inc*, 679 F.2d 117, 120-121 (7th Cir. 1982)). The *Id* third, The employer has, for a period of time, followed a practice of discrimination, but has done so covertly, rather than by way of an open notorious policy... In such cases the challenged practice is evidenced only by a series of discrete, discriminatory acts. *Id*

Individuals that represent and are Afro-Latino, Spanish speaking, females, the minority group known as the Roberto Clemente Jr. Family Agency, were discriminated against and retaliated against by Allstate for being the only Afro-Latino, hispanic, Spanish Speaking, minority female owned agency of Allstate. Individually and as our minority group, bring the aforementioned EEOC Charge against Allstate for violating EEOC laws, the Pennsylvania Human Relations Act and Section 1981 , Civil Rights Law .

Kimberly Dschuhan                      date

Kailee Clemente                      date

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Roberto Clemente Jr.                      date

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Ryan Norton                      date